

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:
Ling Tong, et al.
Examiner: ZINNA NORTHINGTON DAVIS
For Patent:
CANNABINOID RECEPTOR LIGANDS
Group Art Unit: 1625
Serial No.: **10/721,015**
Filed: **11/21/2003**
U.S. Patent No. **7,253,189**
Issued: **08/07/2007**
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Schering-Plough Corporation
Kenilworth, New Jersey 07033

Commissioner for Patents
Mail Stop: Petitions
P.O. Box 1450
Alexandria, Virginia 22313-1450

Request for Reconsideration of Patent Term Adjustment

Under 37 C.F.R. § 1.705(d)

Dear Sir:

The above-captioned U.S. patent issued August 7, 2007, with a patent term adjustment (PTA) of 110 days. Pursuant to their duty of good faith and candor, 37 C.F.R. § 1.705(d), and MPEP § 2377, patentees respectfully wish to point out that the PTO may have erred in making this calculation, resulting in too many days being granted, and that the correct patent term adjustment period should be ninety nine (99) days.

The initial PTA, mailed with the Notice of Allowance on April 9, 2007, was 99 days. According to PAIR, an additional eleven (11) days was subsequently added to the PTA on July 18, 2007, bringing the total to 110 days. This additional 11 days was apparently credited pursuant to 35 U.S.C. § 154(b)(1)(B), the 3-year pendency guarantee. However,

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in applying this provision, the Office apparently did not consider the 25-day period which began on the date Applicant filed a Notice of Appeal (3/16/2007) and ending on the date of the Notice of Allowance under 35 U.S.C. § 151 (4/09/2007).

M.P.E.P. § 2377 states:

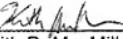
“...if a notice of allowance indicates a patent term adjustment that is longer than expected, since the Office frequently corrects the error after mailing the notice of allowance, the practitioner (or applicant) may wait until the patent issues, and if the patent issues with a value that is incorrect, request a certificate of correction.”

Patentees respectfully request reconsideration of the patent term adjustment calculation in view of the above-noted (or any other) prosecution events. If the Office concludes that a reduction (or addition) in the period of patent term adjustment is appropriate, patentees hereby request the Office issue a Certificate of Correction (or other corrective action, as appropriate) to indicate the corrected adjustment period.

While patentees believe that no fees are due, the Commissioner is hereby authorized to charge any additional fees to Deposit Account 19-0365.

Prompt action on this request is earnestly solicited.

Respectfully submitted,


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Dated: September 5, 2007